

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STEELCASE, INC. a Michigan  
corporation,

Plaintiff,

v

HARBIN'S INC., an Alabama  
corporation, MICHAEL G. HARBIN  
and HOPE D. HARBIN PATTERSON (now  
HOPE DUNCAN PATTERSON),

Defendants.

Case No.: 1:04cv00026  
Hon. Robert Holmes Bell  
Chief, U. S. District Judge

MILLER, JOHNSON, SNELL &  
CUMMISKEY, P. L. C.  
Jon G. March (P17065)  
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SILVERMAN, SMITH & RICE, P.C.  
Robert W. Smith (P31192)  
Attorneys for Defendant Michael G. Harbin  
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(269) 381-2090

HOPE D. PATTERSON  
Defendant in Pro Se  
5626 Mill Race Court  
Atlanta, GA 30338

AFFIDAVIT OF ROBERT W. SMITH  
IN SUPPORT OF MOTION FOR CONTINUANCE OF TRIAL

Robert W. Smith deposes as says as follows:

1. I am the attorney for Defendant Michael G. Harbin ("Harbin") in the above captioned case.

2. If called upon to testify I can testify truthfully and accurately as to all those matters contained herein.

3. The trial in this case has been rescheduled to commence on September 26, 2005. Harbin has a right to a trial by jury as he has demanded. In my opinion this case cannot be tried with a jury in one day.

4. I also have a trial scheduled to commence on September 27, 2005, in the Kalamazoo County 9<sup>th</sup> Circuit Court (Chicago Title Ins. Co. v Oakland Ridge Estates Partnership, File No.: C03-000195-CZ). The complaint in that case was filed on May 13, 2003. The complaint in this case was not filed until January 14, 2004, and Harbin was not added until October 20, 2004.

5. Harbin is a resident of the State of Florida and does not have occasion to be in Michigan except to attend to this case.

6. I will be out of town and unavailable to work on this case from September 20 - 24, 2005. Consequently, I will have no time to meet with Harbin and other out of town witnesses unless I do so prior to September 20, 2005. That would necessitate yet another trip to Michigan for Harbin and any out of town witnesses.

7. If I do not have an opportunity to meet with Harbin and any out of town witnesses prior to the scheduled trial, I do not believe I will be able to adequately prepare for trial in this case.

8. If this case cannot be tried in one day, I will be unavailable on the following day because of the commitment in the Kalamazoo County 9<sup>th</sup> Circuit Court.

9. I have consulted with Plaintiff Steelcase, Inc.'s ("Steelcase") counsel Jon G. March with regard to this motion. He has no objection to the motion for continuance, but asks that any rescheduled trial not take place between October 11 - 31, 2005.

10. On August 10, 2005 I spoke with Defendant Hope Patterson to see if she had any objection to the motion for continuance. She advised me that she needed to think about it. On August 11, 2005 the Court entered an order dismissing her from the case.

11. Further your affiant sayeth not.

Dated: August 12, 2005

SILVERMAN, SMITH & RICE, P.C.  
Attorneys for Defendant Michael G. Harbin

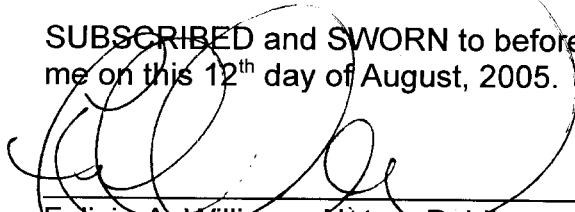


Robert W. Smith (P31192)

STATE OF MICHIGAN )

KALAMAZOO COUNTY ).

SUBSCRIBED and SWORN to before  
me on this 12<sup>th</sup> day of August, 2005.



Felicia A. Williams, Notary Public  
Kalamazoo County, State of Michigan  
My Commission Expires: 6/16/12  
Acting in the County of Kalamazoo.